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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/599,781

10/10/2006

Satomi Uchiyama

41437

4481

52054

7590

09/25/2009

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EXAMINER

ALAM, SALIM J

ART UNIT

PAPER NUMBER

3744

NOTIFICATION DATE

DELIVERY MODE

09/25/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/599,781	Applicant(s) UCHIYAMA ET AL.	
	Examiner SALIM ALAM	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/16/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/2/2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Preliminary amendment

Preliminary amendment filed on 10/10/06 is considered by the examiner, Claims 1 through 12 have been cancelled by applicant, and claims 13 through 24 have been added.

Claim Rejections – 35 USC §102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13 – 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Hofer (US Pat. 6,497,907)

In Re **Claim 13**, Hofer discloses a **cooking apparatus capable of supplying steam into a heating chamber with an object to be heated stored therein comprising: a heating chamber interior heater for heating the interior of a heating chamber (i.e. oven and a heating device; Abstract); a water supplier for supplying water into the heating chamber a storage part for storing the water within the heating chamber a storage part heater for heating the water stored in the storage part (i.e. Fluid storage 11 in storage container 22 and steam generator 23; Fig. 1); a control part for controlling the heating chamber interior heater (i.e. control device in communication with conveyor device 20 in communication with storage container 22 and steam generator 23; Fig. 1), the water supplier and the storage part heater; a heating chamber interior temperature detector for detecting the temperature of the interior of the heating chamber (i.e. sensor 8, sensor 9; Fig. 1); and a storage part temperature detector for the temperature of the storage part heater or the temperature of the storage part (i.e. sensor 8, sensor 9; Fig. 1); wherein the control part controls the storage part heater and the water supplier based on the temperature of the interior of the heating chamber in such a manner that the water in the storage part is prevented from boiling on.** (i.e. at least one other sensor is provided in the oven for detecting an actual value of the humidity and is connected, along with a clock timer to the control device; Abstract. Sensor 8, sensor 9, fluid tank 11, steam generator 23 are in communication with control device 16; Fig. 1. The control device is connected to the input units for a desired value of the humidity and/or temperature which may depend on a baking or cooking time which can be pre-set by means of the clock timer; Abstract. Furthermore, if the set-point temperature in the oven is exceeded, the delivery device is activated by means of the control device so as to deliver at least one of fluid and cool air to the oven; column 7 line 49, column 8 lines 1, 2). Temperature control as disclosed by Hofer allows for prevention of boiling if desired as disclosed by this claim in order to meet dough temperature and humidity conditions as measured by provided sensors or extra sensors. In addition, if the fluid is used for delivery to oven in order to lower temperature within cabin, then the fluid as disclosed by Hofer would not be boiling.

In Re **Claim 14**, Hofer discloses a **cooking apparatus capable of supplying steam into a heating chamber with an object to be heated stored**

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therein (i.e. steam generator; Fig. 1, discharge element 12; Fig. 1, and into oven 4; Fig. 1), **comprising: a heating chamber interior heater for heating the interior of a heating chamber** (i.e. heating device 7; Fig. 1); **a water supplier for supplying water into the heating chamber** (i.e. conveyor device 20; Fig. 1); **a storage part for storing the water within the heating chamber** (i.e. tank 11; Fig. 1); **a storage part heater for heating the water stored in the storage part** (i.e. steam generator 23; Fig. 1); **control part for controlling the heating chamber interior heater, the water supplier and the storage part heater** (i.e. control device 16 in communication with heating device 7, steam generator 23, and conveyor device 20; Fig. 1); **a heating chamber interior temperature detector for detecting the temperature of the interior of the heating chamber** (i.e. sensor 8, 9; Fig. 1); **and a storage part temperature detector for the temperature of the storage part heater or the temperature of the storage part** (i.e. sensor 8, 9; Fig. 1), **wherein the control part controls the storage part heater and the water supplier based on the temperature of the interior of the heating chamber** (i.e. control device 16; Fig. 1) **and the temperature of the storage part in such a manner that the water in the storage part is prevented from boiling on.** (i.e. at least one other sensor is provided in the oven for detecting an actual value of the humidity and is connected, along with a clock timer to the control device; Abstract. Sensor 8, sensor 9, fluid tank 11, steam generator 23 are in communication with control device 16; Fig. 1. The control device is connected to the input units for a desired value of the humidity and/or temperature which may depend on a baking or cooking time which can be pre-set by means of the clock timer; Abstract. Furthermore, if the set-point temperature in the oven is exceeded, the delivery device is activated by means of the control device so as to deliver at least one of fluid and cool air to the oven; column 7 line 49, column 8 lines 1, 2). Temperature control as disclosed by Hofer allows for prevention of boiling if desired as disclosed by this claim in order to meet dough temperature and humidity conditions as measured by provided sensors or extra sensors. In addition, if the fluid is used for delivery to oven in order to lower temperature within cabin, then the fluid as disclosed by Hofer would not be boiling.

In Re **Claim 15**, Hofer discloses **the cooking apparatus as set forth in Claim 13** (i.e. baking device and method; Title), **wherein the control part not**

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only controls the water supplier and storage part heater in such a manner that, after the water in the storage part is boiled once, the water is prevented from boiling on, but also, based on the temperature detected by the heating chamber interior detector, controls the temperature of the interior of the heating chamber at a desired temperature using the heating chamber interior heater. (i.e. a sensor is arranged in the oven for detecting at least one actual value for a temperature in the oven and which is connected to a control device. The control device is connected to the input units for a desired value for the humidity and/or temperature which may depend on a baking or cooking time which can be pre-set by means of the clock timer; Abstract).

In Re **Claim 16**, Hofer discloses **the cooking apparatus as set forth in Claim 14** (i.e. baking device and method; Title), **wherein the control part not only controls the water supplier and storage part heater in such a manner that, after the water in the storage part is boiled once, the water is prevented from boiling on, but also, based on the temperature detected by the heating chamber interior detector, controls the temperature of the interior of the heating chamber at a desired temperature using the heating chamber interior heater.** (i.e. a sensor is arranged in the oven for detecting at least one actual value for a temperature in the oven and which is connected to a control device. The control device is connected to the input units for a desired value for the humidity and/or temperature which may depend on a baking or cooking time which can be pre-set by means of the clock timer; Abstract).

In Re **Claim 17**, Hofer discloses **the cooking apparatus as set forth in Claim 13** (i.e. baking device and method; Title), **wherein there are set two or more control levels for controlling the temperature of the storage part based on the temperature detected by the storage part temperature detector; and also wherein, firstly, the storage part temperature is controlled at first level, and, from then on, the storage part temperature is controlled at a second level.** (i.e. the design of the control device enables sensitive monitoring but also allows the cooking or baking process to be regulated; column 2 lines 17 - 20. Any cooking and baking process can be carried out with the device and in the oven and

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it is therefore possible to process dough portions for bakery products, e.g. immediately after the main fermentation or what is referred to as the proving time, in the oven or, accordingly, deep-frozen or pre-frozen bakery products, which have been previously frozen as dough portions are already part-baked and frozen; column 4 lines 20 - 26).

In Re **Claim 18**, Hofer discloses **the cooking apparatus as set forth in Claim 14** (i.e. baking device and method; Title), **wherein there are set two or more control levels for controlling the temperature of the storage part based on the temperature detected by the storage part temperature detector; and also wherein, firstly, the storage part temperature is controlled at first level, and, from then on, the storage part temperature is controlled at a second level.** (i.e. the design of the control device enables sensitive monitoring but also allows the cooking or baking process to be regulated; column 2 lines 17 - 20. Any cooking and baking process can be carried out with the device and in the oven and it is therefore possible to process dough portions for bakery products, e.g. immediately after the main fermentation or what is referred to as the proving time, in the oven or, accordingly, deep-frozen or pre-frozen bakery products, which have been previously frozen as dough portions are already part-baked and frozen; column 4 lines 20 - 26).

In Re **Claim 19**, Hofer discloses **the cooking apparatus as set forth in Claim 13** (i.e. baking device and method; Title), **wherein there are set two or more control levels for controlling the temperature of the interior of the heating chamber based on the temperature detected by the heating chamber interior temperature detector, and the storage part heater is controlled at the highest level of the thus set heating chamber interior temperature control levels.** (i.e. the design of the control device enables sensitive monitoring but also allows the cooking or baking process to be regulated; column 2 lines 17 - 20. Any cooking and baking process can be carried out with the device and in the oven and

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it is therefore possible to process dough portions for bakery products, e.g. immediately after the main fermentation or what is referred to as the proving time, in the oven or, accordingly, deep-frozen or pre-frozen bakery products, which have been previously frozen as dough portions are already part-baked and frozen; column 4 lines 20 - 26).

In Re **Claim 20**, Hofer discloses **the cooking apparatus as set forth in Claim 14** (i.e. baking device and method; Title), **wherein there are set two or more control levels for controlling the temperature of the interior of the heating chamber based on the temperature detected by the heating chamber interior temperature detector, and the storage part heater is controlled at the highest level of the thus set heating chamber interior temperature control levels** (i.e. the design of the control device enables sensitive monitoring but also allows the cooking or baking process to be regulated; column 2 lines 17 - 20. Any cooking and baking process can be carried out with the device and in the oven and it is therefore possible to process dough portions for bakery products, e.g. immediately after the main fermentation or what is referred to as the proving time, in the oven or, accordingly, deep-frozen or pre-frozen bakery products, which have been previously frozen as dough portions are already part-baked and frozen; column 4 lines 20 - 26).

In Re **Claim 21**, Hofer discloses **the cooking apparatus as set forth in Claim 13**(i.e. baking device and method; Title), **wherein the control part controls the storage part heater in such a manner that, when the temperature of the storage part exceeds the temperature of the interior of the heating chamber, the water in the storage part is prevented from boiling** (i.e. sensor 8, sensor 9, fluid tank 11, steam generator 23 are in communication with control device 16; Fig. 1. The control device is connected to the input units for a desired value of the humidity and/or temperature which may depend on a baking or cooking time which can be pre-set by means of the clock timer; Abstract. Furthermore, if the set-point temperature in the oven is exceeded, the delivery device is activated by means of the control device so as to deliver at least one of

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fluid and cool air to the oven; column 7 line 49, column 8 lines 1, 2). Temperature control as disclosed by Hofer allows for prevention of boiling if desired as disclosed by this claim in order to meet dough temperature and humidity conditions as measured by provided or extra sensors. In addition, if the fluid is used for delivery to oven in order to lower temperature within cabin, then the fluid as disclosed by Hofer would not be boiling.

In Re **Claim 22**, Hofer discloses **the cooking apparatus as set forth in Claim 14** (i.e. baking device and method; Title), **wherein the control part controls the storage part heater in such a manner that, when the temperature of the storage part exceeds the temperature of the interior of the heating chamber, the water in the storage part is prevented from boiling** (i.e. sensor 8, sensor 9, fluid tank 11, steam generator 23 are in communication with control device 16; Fig. 1. The control device is connected to the input units for a desired value of the humidity and/or temperature which may depend on a baking or cooking time which can be pre-set by means of the clock timer; Abstract. Furthermore, if the set-point temperature in the oven is exceeded, the delivery device is activated by means of the control device so as to deliver at least one of fluid and cool air to the oven; column 7 line 49, column 8 lines 1, 2). Temperature control as disclosed by Hofer allows for prevention of boiling if desired as disclosed by this claim in order to meet dough temperature and humidity conditions as measured by provided sensors or extra sensors. In addition, if the fluid is used for delivery to oven in order to lower temperature within cabin, then the fluid as disclosed by Hofer would not be boiling.

In Re **Claim 23**, Hofer discloses **the cooking apparatus as set forth in claim 13** (i.e. baking device and method; Title), **further including: a ventilator for feeding the air into the heating chamber** (i.e. delivery device is responsive to control device supply moisture through at least one discharge device into the oven for increasing the humidity in the oven, and is responsive to the control device to supply dry air through at least one discharge device into the oven for decreasing humidity in the oven; column 7 lines 42 - 47), **wherein the ventilator is controlled in such a manner that the temperature of the interior of the heating chamber can be set at a temperature proper for fermentation based on the temperature detected by the heating temperature interior temperature detector** (i.e. a sensor is arranged in the oven for detecting at least one actual value

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for a temperature in the oven and which is connected to a control device. The control device is connected to the input units for a desired value for the humidity and/or temperature which may depend on a baking or cooking time which can be pre-set by means of the clock timer; abstract).

In Re **Claim 24**, Hofer discloses **the cooking apparatus as set forth in claim 14** (i.e. baking device and method; Title), **further including: a ventilator for feeding the air into the heating chamber** (i.e. delivery device is responsive to control device supply moisture through at least one discharge device into the oven for increasing the humidity in the oven, and is responsive to the control device to supply dry air through at least one discharge device into the oven for decreasing humidity in the oven; column 7 lines 42 - 47), **wherein the ventilator is controlled in such a manner that the temperature of the interior of the heating chamber can be set at a temperature proper for fermentation based on the temperature detected by the heating temperature interior temperature detector.** (i.e. a sensor is arranged in the oven for detecting at least one actual value for a temperature in the oven and which is connected to a control device. The control device is connected to the input units for a desired value for the humidity and/or temperature which may depend on a baking or cooking time which can be pre-set by means of the clock timer; abstract).

Conclusion

The following is art not relied upon in this rejection but is considered pertinent to applicant's invention.

Shozo (US 2006/0037598 A1) discloses an overheat steam cooker is provided including a heating housing having an internal casing forming therein an accommodating space to accommodate food, an external casing disposed outside the internal casing, and a vacuum insulation payer disposed between the internal

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casing and external casing. The cooker further includes an overheated steam generator which generates overheated steam to be supplied into the heating housing and an exhaust device having an exhaust pipe through which the steam supplied in the heating housing is discharged.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SALIM ALAM whose telephone number is (571)-270-1205. The examiner can normally be reached on Monday to Thursday 8:30 am – 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Jules can be reached at (571) 272-6681.

Information regarding the status of the application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, visit <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO customer service representative or access to

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the automated information system, please call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frantz F. Jules/

Supervisory Patent Examiner, Art Unit 3744